

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION**

JENNIFER SWEDA, ET AL.,

*Plaintiffs,*

v.

THE UNIVERSITY OF PENNSYLVANIA, ET  
AL.,

*Defendants.*

No. 2:16-cv-4329-GEKP

**PLAINTIFFS' UNOPPOSED MOTION FOR FINAL APPROVAL**

Plaintiffs, by and through their counsel, in accordance with Rule 23(e) of the Federal Rules of Civil Procedure, move for final approval of the Settlement. Defendants do not oppose this motion. In support, the Plaintiffs state the following:

1. This action involves claims for alleged breaches of fiduciary duties relating to the management, operation and administration of The University of Pennsylvania Matching Plan, The University of Pennsylvania Supplemental Retirement Annuity Plan, and The University of Pennsylvania Basic Plan (all three plans collectively referred to as the “Plans”) in violation of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, *et seq.* (“ERISA”).

2. On November 30, 2020, the Settling Parties reached a class settlement that provides meaningful monetary relief to Class Members. The fully executed Settlement Agreement dated January 13, 2021 (“Settlement”) is located at Doc. 95-2.<sup>1</sup> In exchange for the Released Claims, Defendants have agreed to pay a sum of \$13,000,000 into a Settlement Fund.

3. On June 29, 2021, the Court granted preliminary approval of the Settlement. Docs. 102, 103. On that date, the Court also granted Plaintiffs’ Unopposed Motion for

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<sup>1</sup> Capitalized terms herein are defined in the Settlement.

Certification of Settlement Class and for Appointment of Class Counsel. Doc. 103. The Class definition is as follows:

All persons who participated in the Plans at any time during the Class Period, including any Beneficiary of a deceased person who participated in one or more of the Plans at any time during the Class Period, and any Alternate Payee of a person subject to a Qualified Domestic Relations Order who participated in one or more of the Plans at any time during the Class Period. Excluded from the Settlement Class are each of the individual members of the Investment Committee during the Class Period.

The Class Period is August 10, 2010 through January 14, 2021.

4. The deadline for Class Members to file objections to the Settlement was September 27, 2021. As of the filing of this Motion, no formal objections were filed. However, two communications were sent by Class Members noting their disagreement with the Settlement and requesting that they be excluded from the Settlement. Declaration of Troy A. Doles (“Doles Decl.”), ¶¶ 8, 9, Exs. 4, 5.

5. The Settlement was not the product of collusion between the Settling Parties. In light of the circumstances of this case, and for the reasons stated in the accompanying memorandum in support, the Settlement is fundamentally fair, adequate and reasonable and is in the best interests of Class Members.

6. In support of this Motion, Plaintiffs separately submit a Memorandum of Law in Support of Final Approval, the Declaration of Angeion Group, the settlement administrator, the Statement of Gallagher Fiduciary Advisors, LLC, serving as the Independent Fiduciary, and the Declaration of Troy A. Doles.

This Motion is also supported by Plaintiffs’ Memorandum in Support of the Unopposed Motion for Preliminary Approval of Class Settlement [Doc. 95-1], the Court’s Order for Preliminary Approval of Class Action Settlement [Docs. 102, 103], the Court’s Order Granting

Plaintiffs' Unopposed Motion for Certification of Settlement Class and for Appointment of Class Counsel [Docs. 102, 103], Plaintiffs' Memorandum in Support of their Motion for Attorneys' Fees, Class Representative Awards and Expenses [Doc. 107-1], the Declarations of Jerome J. Schlichter [Docs. 95-3, 107-2], the Declarations of Heather Lea [Docs. 95-3, 107-3], the Declaration of James C. Sturdevant [Doc. 107-5], and the Declaration of Stewart Brown [Doc. 107-4].

Pursuant to L.R. 7.1(b) Plaintiffs' have conferred with Defendants and this motion is unopposed.

Dated: October 13, 2021

Respectfully submitted,

/s/ Troy A. Doles  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 13, 2021, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the attorneys of record.

/s/ Troy A. Doles  
Attorney for Plaintiffs